

REMARKS

Claims 1-5 and 8 have been rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by WO 02/17313 A1 to Hulin et al. Claim 9 is rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Hulin et al. in view of U.S. Patent No. 5,270,445 to Hou. Claims 11-15 are rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over JP 2001-329226 to Yoshiki in view of JP 56-141367 to Shizuo et al.. Also, claim 15 has been rejected by the Examiner under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. These rejections are respectfully traversed.

The present invention is directed to a powder metallic coating material comprising a flake pigment and a resin powder which exhibits a high coating brightness, and an excellent substrate hiding property, an effective introduction ratio and a substantial elimination of coating spit formation of the metallic coating material. According to the present invention, the above advantageous results can be achieved by establishing the relationship between the charged value of the flake pigment and the charged value of the resin powder which is defined by the following relationships:

$$|C_R - C_A| \leq 10 \quad \dots (1)$$

$$10 \leq |C_A| \leq 40 \quad \dots (2)$$

where C_A denotes the charge value ($\mu\text{C/g}$) of said flake pigment and C_R denotes the charge value ($\mu\text{C/g}$) of said resin powder.

As can readily be seen by referring to Table 2 of the present application, when $C_R - C_A$ ($\mu\text{C/g}$) is equal to or less than 10 as shown in Examples 1 to 5 of the present application, a very effective introduction ratio (%), a high coating brightness (β/α) a substantial elimination of coating spit formation and an excellent substrate hiding property can be achieved. This is to be compared with Comparative Examples 1 and 2 as shown in Table 2 of the present application,

where it can be readily seen that when $C_R - C_A$ is greater than 10, that is 15.8 and 15.4, respectively, all of the parameters referred to hereinabove, that is, the introduction ratio, the coating brightness, the spit formation and the substrate hiding property were substantially inferior to the present invention. Thus, claim 1 of the present application defines a specific relationship with respect to the charge control agent coated on the surface of the base particle and the charge value of the resin powder which is effective in achieving the Applicant's inventive contribution.

On page 2 of the Examiner's Advisory Action, the Examiner has given reasons as to why the Applicant's Request for Reconsideration did not place the present application into condition for allowance. In this connection, the Examiner will note that claims 1, 9 and 15 have been amended in an attempt to more clearly distinguish the present invention from the prior art relied upon by the Examiner. Also, the Applicant is resubmitting Figs. A and B, hoping that the Examiner will appreciate the structural differences between the present invention and the Hulin et al. patent.

In reviewing the Examiner's comments on page 2 of the Advisory Action, it is believed that the Examiner has misunderstood the intended meaning of Figs. A and B. Fig. A shows that a "powder metallic coating material" as recited in claim 1 of the present application, includes a "flake pigment" and a "resin powder," and is not intended to show that the "resin powder" does not coat the "flake pigment" (that is, a base particle). Thus, the Applicant's argument for showing a difference between the present invention and the Hulin et al. reference is not based on whether or not the "resin powder" coats the "base particle." Instead, the Applicant is arguing that the present invention and the Hulin reference are different based upon a comparison between a "film containing a charge control agent" of the present invention and a "carrier pre-aging component" of the Hulin reference. More specifically, when the base particle of the present invention corresponds to the carrier base component of the Hulin reference, the present invention and the Hulin reference may be similar in that the film containing the charge control agent exist on the base particle and the carrier pre-aging component exists on the carrier base component. However, the present invention and the teachings of the Hulin reference are different in that the

film- containing charge control agent of the present invention coats the entire surface of the base particle whereas the carrier pre-aging component of the Hulin reference only partially coats the surface of the carrier base component. Among other arguments, this represents a significant structure difference between the present invention and the prior art.

Furthermore, after the powder metallic coating material of the present invention is coated on a substrate, the flake pigment of the present invention is contained and present in that coating on the substrate. Thus, the coating exhibits a metallic effect by the base particle being contained in the flake pigment. On the other hand, the carrier base component of the Hulin reference (which is regarded by the Examiner as corresponding to the base particle of the present invention) is recovered and does not exist in the printed matter after the printing step. Therefore, since the printed matter does not contain the carrier base component, the printed matter cannot exhibit the metallic effect. In this regard, the present invention and the Hulin reference are substantially different from each other.

With respect to claim 8 of the present application, and as recited in claim 1, the "powder metallic coating material" includes a flake pigment and a resin powder. Therefore, when the powder metallic coating material is coated on a substrate, the flake pigment in the resin powder naturally exists on the substrate. Furthermore, based upon the fact that the flake pigment includes the film containing the charge control agent coating on the entire surface of the base particle as described above, the film containing charge control agent exists on the substrate while coating the entire surface of the base particle. This is an important distinction between the present invention and the prior art since in the Hulin reference, the carrier pre-aging component is separated from the carrier base component and only the carrier pre-aging component exists on the substrate.

With respect to the Examiner's rejection of claim 15 under 35 USC 112, second paragraph, it is believed that since the expressions objected to by the Examiner can be readily understood by referring to the specification of the present application, particularly Tables 1 and 2 which can be found on pages 27 and 28 of the present application, and since the recited

properties of the powder metallic coating material merely further distinguish the present invention from the prior art and further show the unrelated nature of the prior art when compared to the present invention; it is believed that the recitation of the properties of the powder metallic coating material of the present invention are properly included in claim 15. In any event, for all the reasons discussed hereinabove, it is believed that claim 15 is patentably distinguishable over the prior art relied upon by the Examiner, either alone or in combination.

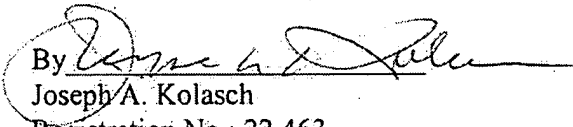
Accordingly, in view of the above amendments and remarks reconsideration of the rejections and allowance of all of the claims of the present application are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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Fig. A

< The Present Invention >

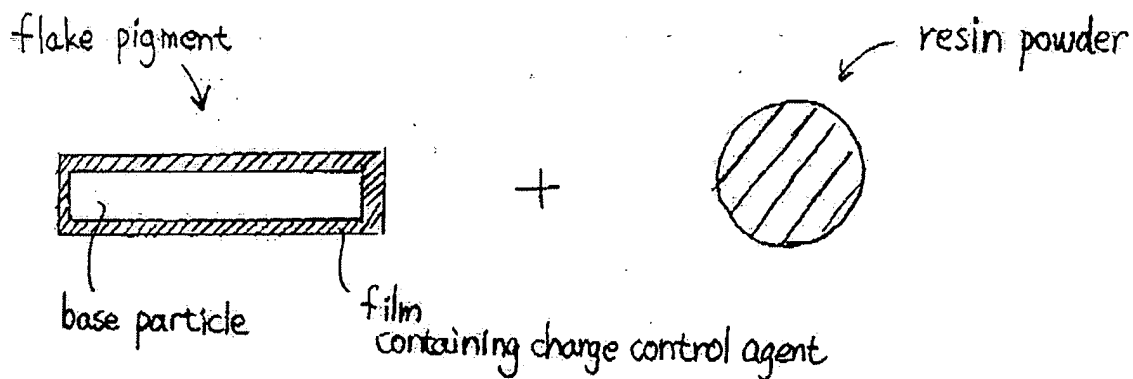


Fig. B

< Hulin et al. >

